

Fact Sheet for Indiana Food Industry Regarding Right of Access to Perform Inspections

**Prepared by the Indiana State Department of Health
Food Protection Program
2 North Meridian Street, 5C
Indianapolis, IN 46204
Phone: 317-233-7360
Fax: 317-233-7334
<http://www.in.gov/isdh/20640.htm>**

Staff members from the Indiana State Department of Health Food Protection Program are expected to perform periodic unannounced regulatory inspections of food operations that conduct business within the State of Indiana. Inspectors are required to present credentials upon arrival for verification of employment.

On occasion, regulatory staff members are asked to sign confidentiality statements and/or other types of releases by industry management. Indiana State Department of Health Food Protection Program staff are directed **not** to sign any such statements before entering said facilities for the purpose of conducting inspections, work, complaint investigations, sample collection, etc.

Information collected by the Food Protection Program is public unless specifically protected as a trade secret or under HIPPA regulations. As defined by IC 24-2-3-2: "Trade secret" means information, including a formula, pattern, compilation, program, device, method, technique, or process, that:

(1) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and

(2) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

Under general provisions of the Indiana Uniform Food, Drug and Cosmetic Act, IC 16-42-1 (Sec. 13) states *"For the purpose of enforcing IC 16-42-1 through IC 16-42-4, the state health commissioner or the commissioner's authorized representative may do the following: (1) Enter, at reasonable times any factory, warehouse, place of production, or establishment subject to IC 16-42-1 through IC 16-42-4 or enter any vehicle being used to transport or hold food, drugs, devices, or cosmetics. (2) Inspect at reasonable times, the factory, warehouse, place of production, establishment, or vehicle and all pertinent equipment, finished and unfinished materials, containers, labeling, and advertisements."*

In addition, under general provisions of Food: Sanitary Requirements for Food Establishments, IC 16-42-5 (Sec. 23) states *"The state department may do the following: (1) Enter at any time a food establishment or place suspected of being a food establishment. (2) Inspect the premises, utensils, fixtures, equipment, furniture, and machinery used in food handling."*

Failure to comply with these provisions and attempts to obstruct a legally authorized inspection may result in the pursuit of legal remedies.